
Introduced by Senator Margett

February 2, 2005

An act to amend Section 4216.4 of the Government Code, relating to subsurface installations.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as introduced, Margett. Subsurface installations: excavation.

Existing law requires an excavator to determine the exact location of subsurface installations that are in conflict with the excavation before using any power-operated or power-driven excavating or boring equipment within the approximate location of the subsurface installation, with a specified exception. The excavator is required to use hand tools to determine the location of subsurface installations, as specified.

This bill would allow the utilization of vacuum excavation devices or power-operated or power-driven tools, provided that an express written mutual agreement exists, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4216.4 of the Government Code is
2 amended to read:
3 4216.4. (a) The excavator shall determine the exact location
4 of subsurface installations in conflict with the excavation by
5 excavating with hand tools within the area of the approximate
6 location of subsurface installations as determined by the field
7 marking provided in accordance with Section 4216.3 before

1 using any power-operated or power-driven excavating or boring
2 equipment within the approximate location of the subsurface
3 installation, except that power-operated or power-driven
4 excavating or boring equipment may be used for the removal of
5 any existing pavement if there are no subsurface installations
6 contained in the pavement. ~~If mutually agreeable with~~ *If there is*
7 *an express written mutual agreement between the operator, or*
8 *operators and the excavator, the excavator may utilize vacuum*
9 *excavation devices, or power-operated or power-driven*
10 excavating or boring equipment within the approximate location
11 of a subsurface installation and to any depth.

12 (b) If the exact location of the subsurface installation cannot
13 be determined by hand excavating in accordance with
14 subdivision (a), the excavator shall request the operator to
15 provide additional information to the excavator, to the extent that
16 information is available to the operator, to enable the excavator
17 to determine the exact location of the installation.